

enclose the remote control unit such that the keypad of the remote control unit remains accessible to the user. *See Vernace*, col. 2, lines 41-52.

The holder/detection device includes a tilt switch that, when sensing movement of the device, causes a piezo transducer to sound. *See id.*, col. 5, lines 18-23. The holder/detection device may also include a moveable lamp secured thereto. *See id.*, col. 4, lines 52-58.

In the Office Action, the component of the Vernace holder/detection device corresponding to the “processor” in the independent claims of the instant application was identified as the remote control unit secured by the holder/detection device. The Vernace patent, however, does not teach or suggest that the tilt switch (identified in the Office Action as the motion detector) or that the moveable lamp is in communication with a processor of the remote control unit. Indeed, because the tilt switch and the moveable lamp are not part of the remote control unit – but rather part of the holder/detection device – these components of the Vernace design are not in communication with a processor of the remote control unit.

As a consequence, in the Vernace holder/detection device, the motion detector does not “communicate a signal to the processor upon detection of motion,” as recited in each independent claim. Therefore, the cited reference fails to teach or suggest every limitation of the pending claims. *See* MPEP § 2143 (stating that one of the requisite elements of a *prima facie* case of obviousness is that the cited reference must teach or suggest each claim limitation).

Furthermore, because Vernace does not teach or suggest a motion detector that communicates a signal to a process upon detection of motion, Applicant submits that a person of ordinary skill in the art would not be motivated to modify the Vernace design to realize the claimed invention. *See* MPEP § 2143 (stating that another element of a *prima facie* case of obviousness is that there must be some suggestion or motivation to modify the reference to

realize the claimed invention). If Vernace fails to teach that the motion detector is in communication with a processor, how would a person of ordinary skill in the art be motivated to have the processor effect lighting of the light source upon receipt of the signal from the motion detector?

Accordingly, Applicants submit that claims 1-11 are not obvious in view of the Vernace reference. See MPEP § 2143.03 (stating that if an independent claim is nonobvious, then a claim which depends therefrom is necessarily nonobvious).

Pursuant to 37 C.F.R. § 1.136, Applicant is enclosing a check for a one-month extension fee.

Applicant is also herewith resubmitting the *Information Disclosure Statement Pursuant to 37 C.F.R. § 1.97(c)*, filed November 7, 2001, along with a check for the appropriate fee to ensure that the references cited therein are considered.

CONCLUSION

Applicant respectfully requests a Notice of Allowance for the pending claims in the present application. If the Examiner is of the opinion that the present application is in condition for disposition other than allowance, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below in order that the Examiner's concerns may be expeditiously addressed.

Respectfully submitted,



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